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Dated: November 17, 2009

Electronic Signature for Arnold I. Radv: /Arnold I. Radv/

Docket No.: BAYERC 3.0-001 RE  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Reissue Application of:  
Laurence C. Mudge

Application No.: 10/849,509

Confirmation No.: 6774

Filed: May 19, 2004

Art Unit: 1616

For: FUNGICIDAL COMPOSITIONS FOR THE  
ENHANCEMENT OF TURF QUALITY

Examiner: A. N. Pryor

**NOTICE OF RELATED LITIGATION**

Dear Sir:

The reissue applicant and appellant herein hereby gives notice to the USPTO that on October 28, 2009, a lawsuit was filed by Bayer CropScience LP, in the United States District Court for the Middle District of North Carolina, asserting infringement of claim 19 of United States Patent No. 5,599,804 ("804 patent"). The '804 patent is the subject of this reissue application. The caption for the case is: *Bayer CropScience LP. V. Tessenderlo Kerley, Inc. and Phoenix Environmental Care, LLC* and it has been given the civil action number: 1:09-cv-833. As of this date, the undersigned does not know whether the complaint has been served on the named defendants.

Applicant will keep the USPTO informed of further developments in this case. If the Examiner has any questions,

Application No.: 10/849,509

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please do not hesitate to contact the undersigned attorney of record.

Dated: November 17, 2009

Respectfully submitted,

Electronic signature:

/Arnold I. Rady/

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